

HB

421

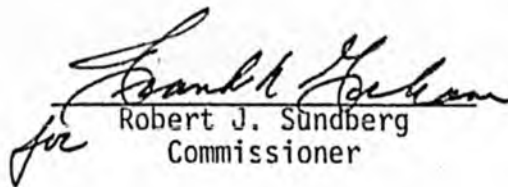
DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 421

Support

This bill will provide another law enforcement tool toward reducing the drunk drivers on the road.

Making it a violation to have an open container in the passenger compartment of a motor vehicle should reduce the tendency to drink while in the process of driving, which now is the only violation related to alcoholic beverages in a vehicle.


for Robert J. Sundberg
Commissioner



Official Business

Alaska State Legislature

House of Representatives

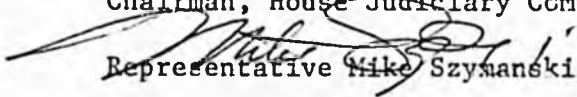
Representative Mike Szymanski

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While in Session:
Pouch V
State Capitol
Juneau, Alaska 99811

April 26, 1984

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM: 
Representative Mike Szymanski

SUBJECT: House Bill 421

At the present time, there is no open container statute on the books. Under 13AAC 02 545, drivers are prohibited from drinking while driving but there is nothing which prohibits the driver from being in a car where there is an open alcoholic beverage container.

Nineteen other states have an open container law (see attached analysis). Some of these states have had such a law on the books since the 1930's. Two that are relatively frequent (Hawaii and Utah) were contacted by House Research.

Utah enacted their law in 1981, mainly to make a statewide statement of illegality. They have counties and the counties were locally enacting their own laws about drinking and driving and it caused confusion -- you could drive from one county to another and the law would change. It was also not highly enforced because of the confusion.

Hawaii enacted their open container law in 1981. They have never had municipal ordinances. Their law was in response to the county police who, time and again, responded to accidents and found empty alcohol containers at the scene.

ANALYSIS BY STATES--HIGH-INTEREST LEGISLATION (Continued)

State	Dram Shop	Open Container	Community Service	Mandatory Jail-1st Offense	Mandatory Jail--2nd or Other Offense
ALABAMA	Statute				
ALASKA	Statute				
ARIZONA	No		X	X	X
ARKANSAS	No				
CALIFORNIA	No	X			X
COLORADO	Statute		X		
CONNECTICUT	Statute				X
DELAWARE	No				
DISTRICT OF COLUMBIA	Case law				
FLORIDA	Case law		X		
GEORGIA	Statute				
HAWAII	Case law	X	X		
IDAHO	Case law	X			
ILLINOIS	Statute	X			
INDIANA	Case law				X
IOWA	Statute				X
KANSAS	No	X			
KENTUCKY	Case law				X
LOUISIANA	No		X	X	X
MAINE	Statute			X	X
MARYLAND	No	X			
MASSACHUSETTS	Statute				
MICHIGAN	Statute	X	X		
MINNESOTA	Statute	X			
MISSISSIPPI	Case law				
MISSOURI	Case law				
MONTANA	No	X			X
NEBRASKA	No				X
NEVADA	No				X
NEW HAMPSHIRE	No				X
NEW JERSEY	Case law		X		
NEW MEXICO	Case law				X
NEW YORK	Statute				
NORTH CAROLINA	No	X			X
NORTH DAKOTA	Statute	X			
OHIO	Statute	X			

ANALYSIS BY STATES--HIGH-INTEREST LEGISLATION (Continued)

State	Dram Shop	Open Container	Community Service	Mandatory Jail--1st Offense	Mandatory Jail--2nd or Other Offense
OKLAHOMA	No	X			
OREGON	Statute	X			
PENNSYLVANIA	Statute		X	X	X
PUERTO RICO	No				
RHODE ISLAND	Statute				
SOUTH CAROLINA	No	X			
SOUTH DAKOTA	No	X			
TENNESSEE	Case law		X	X	X
TEXAS	No				
UTAH	Statute	X	X		
VERMONT	Statute				
VIRGINIA	No				X
WASHINGTON	Case law	X		X	X
WEST VIRGINIA	No		X	X	X
WISCONSIN	No	X			
WYOMING	Statute			X	X
	Case law-12 Statute -20	19	11	8	20

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HB 421
 Title: "An Act relating to open containers..."
 Sponsor: Rep. Szymanski
 Requestor: House State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 5/24/83
 Approved by Commissioner: [Signature] Date: 5/24/83
 Department: Public Safety

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